IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.383 OF 2005

Mr.Horace Pereira .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.A.M.Saraogi, Advocate for the petitioner
Mr.B.H.Mehta, APP for Respondent Nos.1 to 6.
Mr.S.M.Gorwadkar with Rohit Pawaskar, Advocates for Respondent No.8

CORAM : R.M.S.KHANDEPARKAR &
P.V.KAKADE, JJ.
6TH MAY, 2005

P.C.

1. The affidavit filed by the petitioner is placed on record. The learned advocate for the petitioner had confirmed on 4th May 2005 when the matter had come up for hearing that the wife and children of the petitioner had already returned to the petitioner and they are

residing with him and further submitted that the petitioner in these circumstances does not press for any relief in the petition. However, the learned APP had pressed for cost in the circumstance of the matter. Accordingly, the matter was adjourned for passing the order and that is how the matter came up on board yesterday i.e. 5th May 2005 and from yesterday it was adjourned today.

2. Report filed by the police on 27th April 2005 disclosed that the police after having carried out the detailed investigation have not been able to find any fault with the working of the concerned school nor have found any objectionable activities being carried out in the said school. The petitioner also on his part apart from filing copy of the affidavit of Bapsy D'Souza, mother-in-law of the petitioner have not been able to produce any material in support of the allegations in the petition. Perusal of her affidavit discloses the allegation of ill-treatment to her at the hands of Glen Fernandes and some other children of the school. Undoubtedly the affidavit also contends allegations against the working of the school. However, there is no material in support of such allegations. In any case

the the learned advocate for the petitioner has stated that the petitioner is not pressing for any relief in the matter and therefore it does not require any adjudication in the matter.

3. As regards the claim for cost, considering the fact that the serious allegations were made, which apparently disclosed cognizable offence, merely because police were made to investigate in the matter, it cannot be said that it would be warrant imposition of costs in favour of the State. Being so we are not inclined to order any cost as such.

4. In the circumstances the petition is disposed of as not pressed for.

(R.M.S.Khandeparkar, J.)

(P.V.Kakade, J.)